IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2006

CORAM

THE HONOURABLE MR. JUSTICE P.SATHASIVAM

C.R.P.PD. No. 1170 of 2006
and
M.P.No.1of 2006

-o-

M.Padmanabhan ...Petitioner

Versus

V.Shanmugam ...Respondent

Civil Revision Petition filed against the order of the District Munsif, Thiruppur passed in I.A.No.939 of 2006 in O.S.No.101 of 2005, dated 17.7.2006.

For Petitioner : Mr.S.Thiruvengadam

ORDER

The Civil Revision Petition is directed against the order of the learned District Munsif, Thiruppur dated 17.07.2006 made in I.A.No.939 of 2006 in O.S.No.101 of 2005 in and by which the learned Judge after finding that there is no merit in the claim made by the petitioner, dismissed the said petition filed for appointment of Advocate Commissioner.

2. It is not in dispute that after closing of the witnesses and when the suit is awaiting for decision of the learned Judge, the petitioner/plaintiff has filed his petition for appointment of Advocate Commissioner, to measure the depth of the foundation. As rightly objected by the respondent and pointed out by the learned District Munsif, since both the parties have let in oral and documentary evidence, ultimately, it is for the Court to consider and decide the same in one way or other. Further there is no proper explanation for not filing such a petition at the earliest point of time and therefore, there is no reason to entertain this petition, when the suit

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itself was posted for orders.

3. I am in agreement with the conclusion arrived at by the learned Judge and there is no ground for interference. This Civil Revision Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

gms

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The District Munsif,
Thiruppur

+ one cc to Mr. S. Thiruvengadam, Advocate sr no. 38318

JP(CO)
NM(11.09.2006)

C.R.P. PD. 1170 of 2006

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